

85th Legislative Session – 2010

Committee: Senate Health and Human Services

Wednesday, March 03, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Dempster
P Gant
P Jerstad
P Merchant
P Miles
P Hansen (Tom), Vice-Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Tom Hansen, Vice Chair.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 24, 2010

Moved by: Dempster
Second by: Gant
Action: Prevailed by voice vote.

HB 1183: authorize birth centers to operate in the state.

Presented by: Representative Phil Jensen (Handout: 1)
Proponents: Sarah Coulter-Danner, Hot Springs (Teleconference)
Jeanne Prentice, Self, Spearfish (Teleconference)
Debbie Pease, SD Safe Childbirth Options INC. (Handout: 2)
Susan Stapleton, Self, Pennsylvania (Teleconference)
Luke Temple, Dakota Rural Action
Opponents: Doneen Hollingsworth, Secretary of Health
Dave Hewett, SD Association of Healthcare Organizations
Deb Fischer Clemens, Avera Health
Lorin Pankratz, Sanford Health

MOTION: AMEND HB 1183

1183jd

On page 4, line 6, of the House Health and Human Services Committee engrossed bill, delete everything after "Birth center," and insert "a health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth."

On page 4, delete lines 7 to 9, inclusive, and insert:

"

Section 3. Any birth center shall meet the following requirements:

- (1) Be located within fifteen minutes normal driving time of a hospital licensed pursuant to chapter 34-12 that provides routine birth services. However, the Department of Health may grant a waiver of this requirement for good cause;
- (2) Have a licensed physician or certified nurse midwife on call twenty-four hours a day, seven days a week and on the premises if a birth center client is on the premises; and
- (3) Have a medical director who is a licensed physician pursuant to chapter 36-4 and who has admitting privileges at the nearest hospital.

Section 4. No person may establish or operate a birth center in this state without a license issued pursuant to this Act.

Section 5. The following facilities are exempt from the requirements of this Act:

- (1) A hospital licensed pursuant to chapter 34-12;
- (2) A critical access hospital licensed pursuant to chapter 34-12; and
- (3) An ambulatory surgery center licensed pursuant to chapter 34-12.

Section 6. An applicant for a birth center license shall submit an application to the Department of Health on a form prescribed by the department. The application shall be accompanied by a nonrefundable license fee of five hundred dollars. The department shall issue a license if, after inspection and investigation, it finds that the application and birth center meet the requirements of this Act. The birth center license shall be renewed annually on a form prescribed by the Department of Health.

Section 7. There is hereby established in the state treasury a birth center facility licensing fund. Any fees collected pursuant to section 6 of this Act shall be deposited in the birth center facility licensing fund and are continuously appropriated to administer and enforce this Act.

Section 8. The Department of Health shall adopt rules, pursuant to chapter 1-26, for the issuance, renewal, denial, suspension, and revocation of a license to operate a birth center. The department shall adopt rules, pursuant to chapter 1-26, to provide for minimum standards to protect the health and safety of mothers and infants at any birth center. The rules shall establish minimum standards regarding:

- (1) Facility safety, including fire safety and construction, Americans with Disabilities Act accessibility, and sanitation;
- (2) Qualifications and supervision of professional and nonprofessional personnel, including certification in neonatal and maternal cardiopulmonary resuscitation;
- (3) Emergency equipment and procedures to provide emergency care;
- (4) Medical records and reports;
- (5) Birthing room requirements, including minimum size requirements;
- (6) Support areas for patients, including toilets, hand washing stations, and bath or shower facilities;
- (7) Infection control, including requirements for cleaning and laundry, scrub areas, decontamination, disinfection, sterilization, storage of sterile supplies, storage for soiled products, and disposal of medical waste;
- (8) Medication control;
- (9) Quality assurance;
- (10) Information on and access to patient follow-up care;
- (11) Informed consent and disclosure requirements;
- (12) Patient screening, assessment, and monitoring, including transport protocols and physician referral protocols; and
- (13) Administrative and public areas, including any staff support area, reception area, family room, public restroom with toilet and hand washing station, nourishment area, record

storage, and provision for drinking water.

Section 9. Each birth center shall adopt, implement, and enforce a written risk assessment system that conforms to the patient assessment protocols established pursuant to section 8 of this Act. A birth center shall perform the risk assessment of any potential birth center client prior to accepting the client for admission and may only admit a client that has been assessed to have a low-risk pregnancy. A birth center client shall be continually assessed to identify if her condition deviates from a low-risk pregnancy at any time during the pregnancy, delivery, or postpartum period. The birth center shall refer or transfer the client to a physician or hospital in accordance with the standards established pursuant to section 8 of this Act."

Moved by: Adelstein
Second by: Jerstad
Action: Prevailed by voice vote.

MOTION: AMEND THE AMENDMENT

1183je

On the previously adopted amendment (1183jd), delete Section 3 and its contents, and insert:

" Section 3. Any birth center shall meet the following requirements:

- (1) Be located within thirty minutes normal driving time of a hospital licensed pursuant to chapter 34-12 that provides routine birth services. However, the Department of Health may grant a waiver of this requirement for good cause; and
- (2) Have a licensed physician or certified nurse midwife on call twenty-four hours a day, seven days a week and on the premises if a birth center client is on the premises."

Moved by: Merchant
Second by: Jerstad
Action: Failed by voice vote.

MOTION: AMEND THE +-AMENDMENT

1183jf

On the previously adopted amendment (1183jd), in subdivision (1) of section 3, delete "fifteen" and insert "thirty".

Moved by: Merchant
Second by: Adelstein
Action: Failed by roll call vote. (3-3-1-0)

Voting Yes: Jerstad, Merchant, Adelstein

Voting No: Gant, Miles, Hansen (Tom)

Excused: Dempster

MOTION: DO PASS HB 1183 AS AMENDED

Moved by: Merchant
Second by: Jerstad
Action: Failed by roll call vote. (2-3-2-0)

Voting Yes: Jerstad, Merchant

Voting No: Miles, Hansen (Tom), Adelstein

Excused: Dempster, Gant

MOTION: DEFER HB 1183 TO THE 41ST LEGISLATIVE DAY

Moved by: Miles
Second by: Adelstein
Action: Failed by roll call vote. (3-2-2-0)

Voting Yes: Miles, Hansen (Tom), Adelstein

Voting No: Jerstad, Merchant

Excused: Dempster, Gant

THE CHAIR DEFERRED HB 1183 UNTIL MONDAY, MARCH 8, 2010

MOTION: ADJOURN

Moved by: Miles
Second by: Merchant

Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Stanford M. Adelstein, Chair